IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 11TH OCTOBER 2006 / 19TH ASWINA 1928

OP.No. 8379 of 2003(V)

PETITIONER:

K.C.JOSE, KOORANMKALLOOKARAN HOUSE,
KIDANGOOR P.O., ANGAMALY.

BY ADV. SRI.SAIBY JOSE KIDANGOOR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF INDUSTRY, THIRUVANANTHAPURAM

2. TALUK INDUSTRY OFFICE, REPRESENTED BY TALUK INDUSTRIES OFFICER, ALUVA.

3. DISTRICT COLLECTOR, ERNAKULAM

4. DEPUTY THAHASILDAR, REVENUE RECOVERY, ALUVA.

5. SOUTH INDIAN BANK, REPRESENTED BY ITS MANAGER, ANGAMALY

BY ADV. SRI.K.PRABHAKARAN
GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.8379/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE NOTICE NO.R3-91/99/BC ISSUED BY THE 4TH RESPONDENT DATED, 31.1.2003.

EXT.P2: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 5.3.2003.

ORDER IN C.M.P.NO.14579 OF 2003 IN OP NO.8379 OF 2003

DISMISSED

11/10/2006 **SD/-**
C.N.RAMACHANDRAN NAIR, JUDGE

//TRUE COPY//

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

O.P. NO.8379 OF 2003

Dated this the 11th day of October, 2006

J U D G M E N T

Heard the counsel for the petitioner.

2. I have gone through the counter affidavit. The petitioner challenges recovery proceedings for recovery of arrears of loan taken by the petitioner's son under the PMRY scheme from the fifth respondent Bank. It is stated in the counter affidavit that petitioner is a co-obligant for the loan and therefore petitioner's property can be attached and sold in recovery proceedings. The petitioner is the guarantor of the loan and so recovery is permissible against the petitioner also.

3. The Tahsildar is directed to verify the loan documents and proceed for recovery against the property of the principal debtor . Since petitioner is also a guarantor, petitioner's properties also can be attached and sold in recovery proceedings. However, there will be a direction to the 5th

respondent, Bank to grant waiver of penal interest and settle liability if the borrower approaches the bank and makes payments exclusive of penal interest on or before 30.03.2007.

OP is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

Rp